

EXHIBIT 8



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/794,141	02/03/97	BEDNAR	R 78209/9009

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EXAMINER
 MELIUS, T

ART UNIT	PAPER NUMBER
3616	4

DATE MAILED: 04/13/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

81 794,141

Applicant(s)

Richard D. Bednar

Examiner

Terry Lee Melius

Group Art Unit

3616

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for ResponseA SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to (Application) communication(s) filed on February 3, 1997
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 18-20 is/are allowed.
- ☒ Claim(s) 1-17 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2+3
- ☒ Notice of References Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

Drawings

1. INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85; 1097 O.G. 36

New formal drawings must be filed with the changes incorporated therein. The art unit number, application number (including series code) and number of drawing sheets should be written on the reverse side of the drawings. Applicant may delay filing of the new drawings until receipt of the "Notice of Allowability" (PTOL-37 or PTO-37). If delayed, the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the "Notice of Allowability" to avoid extension of time fees.

Extensions of time may be obtained under the provisions of 37 CFR 1.136(a) for filing the corrected drawings (but not for payment of the issue fee). The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

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All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the three month shortened statutory period set in the "Notice of Allowability" (PTO-37). Within that three month period, two weeks should be allowed for review of the new drawings by the Office. If a correction is determined to be unacceptable by the Office, applicant must arrange to have an acceptable correction re-submitted within the original three month period to avoid the necessity of obtaining an extension of time with extension fees. Therefore, applicant should file corrected drawings as soon as possible.

Failure to take corrective action within the set (or extended) period will result in

ABANDONMENT of the application.

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Information Disclosure Statement

The Examiner would like to note that the PTO-1449 forms have been received.

Specification

2. The disclosure is objected to because of the following informalities:

1) On page 4 - line 19 and page 7 - penultimate line, the missing information should be inserted (if and when available).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. Claims 7-9 and 11-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As for claims 7 and 11, a cross member is stated as connecting the frame to the deck assembly. However, the specification and drawings do not show such an arrangement. Another member (L-shaped arm) connects the cross member to the frame. Clarification is requested.

In view of the above, claims 7 and 11 (as well as the additional claims listed) are considered indefinite and incomplete.

Also, in claim 11 - line 25 (last line on page 14), -- of -- should be inserted after "other" (second occurrence).

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made

5. Claims 1-7, 10, 11 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (5,297,378) in view of Nunes, Jr. et al (5,280,695).

Smith (submitted by Applicant) shows a substantially similar cutting arrangement as set forth in the listed claims, except for the use of a rotary cutting assembly instead of a reel-type cutting assembly. Each unit including side plates with a cutting "deck" therebetween wherein each unit is mounted to the frame of the vehicle. The back units positioned in the "gaps" of the front units.

Nunes, Jr. et al shows a gang type rotary mower with a similar arrangement (back units positioned in the gaps of the front units) The individual units driven by hydraulic motors connected to vertically mounted spindle assemblies. Rotary blades are mounted to the spindles (single or dual blade assemblies may be used since both are common in the mower art).

As for the listed claims, to modify the mower assembly of Smith to employ rotary mowers would have been considered an obvious modification to one of ordinary skill in the art at the time the present invention was made, particularly in view of the gang type rotary assembly set forth by Nunes, Jr. et al.

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As set forth above, the use of dual blades (as well as the specific use of wheels) is well known within the mower art.

Allowable Subject Matter

Claims 18-20 are allowable as presently set forth.


6. Claims 8, 9, 12 and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Examiner Terry Melius at telephone number (703) 308-1113.

The Examiner can normally be contacted any time Monday-Thursday.


T.L.M./tlm

4-9-1998
4-9-1998


TERRY LEE MELIUS
PRIMARY EXAMINER
GROUP 350 2013616

Form PTO 948 (Rev. 10-94)

U.S. DEPARTMENT OF COMMERCE - Patent and Trademark Office

Application No. 794141

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

PTO Draftpersons review all originally filed drawings regardless of whether they are designated as formal or informal. Additionally, patent Examiners will review the drawings for compliance with the regulations. Direct telephone inquiries concerning this review to the Drawing Review Branch, 703-305-8404.

The drawings filed (insert date) 2/3/97, are
 A. ☒ not objected to by the Draftsperson under 37 CFR 1.84 or 1.152.
 B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 as indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawings must be submitted according to the instructions on the back of this Notice.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings:

Black ink. Color.

- ☐ Not black solid lines. Fig(s) _____
☐ Color drawings are not acceptable until petition is granted.
 Fig(s) _____

2. PHOTOGRAPHS. 37 CFR 1.84(b)

- ☐ Photographs are not acceptable until petition is granted.
 Fig(s) _____
☐ Photographs not properly mounted (must use bristol board or photographic double-weight paper). Fig(s) _____
☐ Poor quality (half-tone). Fig(s) _____

3. GRAPHIC FORMS. 37 CFR 1.84 (d)

- ☐ Chemical or mathematical formula not labeled as separate figure.
 Fig(s) _____
☐ Group of waveforms not presented as a single figure, using common vertical axis with time extending along horizontal axis.
 Fig(s) _____
☐ Individual waveform not identified with a separate letter designation adjacent to the vertical axis. Fig(s) _____

4. TYPE OF PAPER. 37 CFR 1.84(c)

- ☐ Paper not flexible, strong, white, smooth, nonshiny, and durable.
 Sheet(s) _____
☐ Erasures, alterations, overwritings, interlineations, cracks, creases, and folds copy machine marks not accepted. Fig(s) _____
☐ Mylar, velum paper is not acceptable (too thin). Fig(s) _____

5. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

- ~~21.5 cm. by 35.6 cm. (8 1/2 by 14 inches)~~
~~21.6 cm. by 33.1 cm. (8 1/2 by 13 inches)~~
 21.6 cm. by 27.9 cm. (8 1/2 by 11 inches)
 21.0 cm. by 29.7 cm. (DIN size A4)

- ☐ All drawing sheets not the same size. Sheet(s) _____
☐ Drawing sheet not an acceptable size. Sheet(s) _____

6. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Paper size

21.0 cm. X 35.6 cm. (8 1/2 X 14 inches)	21.6 cm. X 33.1 cm. (8 1/2 X 13 inches)	21.6 cm. X 27.9 cm. (8 1/2 X 11 inches)	21.0 cm. X 29.7 cm. (DIN Size A4)
T 5.1 cm. (2")	2.5 cm. (1")	2.5 cm. (1")	2.5 cm.
L .64 cm. (1/4")	.64 cm. (1/4")	.64 cm. (1/4")	2.5 cm.
R .64 cm. (1/4")	.64 cm. (1/4")	.64 cm. (1/4")	1.5 cm.
B .64 cm. (1/4")	.64 cm. (1/4")	.64 cm. (1/4")	1.0 cm.

Margins do not conform to chart above.

Sheet(s) _____

Top (T) Left (L) Right (R) Bottom (B)

7. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes.

- ☐ All views not grouped together. Fig(s) _____
☐ Views connected by projection lines or lead lines.
 Fig(s) _____
 Partial views. 37 CFR 1.84(h) 2

☐ View and enlarged view not labeled separately or properly.
 Fig(s) _____

Sectional views. 37 CFR 1.84 (h) 3

☐ Hatching not indicated for sectional portions of an object.
 Fig(s) _____

☐ Cross section not drawn same as view with parts in cross section with regularly spaced parallel oblique strokes. Fig(s) _____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____

9. SCALE. 37 CFR 1.84(k)

- ☐ Scale not large enough to show mechanism with crowding when drawing is reduced in size to two-thirds in reproduction.
 Fig(s) _____
☐ Indication such as "actual size" or scale 1/2" not permitted.
 Fig(s) _____

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(j)

- ☒ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (except for color drawings).
 Fig(s) 1-6.

11. SHADING. 37 CFR 1.84(m)

- ☐ Solid black shading areas not permitted.
 Fig(s) _____
☐ Shade lines, pale, rough and blurred. Fig(s) _____

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)

- ☒ Numbers and reference characters not plain and legible. 37 CFR 1.84(p)(l) Fig(s) 1-6
☐ Numbers and reference characters not oriented in same direction as the view. 37 CFR 1.84(p)(l) Fig(s) _____
☐ English alphabet not used. 37 CFR 1.84(p)(2)
 Fig(s) _____
☒ Numbers, letters, and reference characters do not measure at least .32 cm. (1/8 inch) in height. 37 CFR(p)(3)
 Fig(s) 1-6 in part.

13. LEAD LINES. 37 CFR 1.84(q)

- ☐ Lead lines cross each other. Fig(s) _____
☐ Lead lines missing. Fig(s) _____

14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)

- ☐ Sheets not numbered consecutively, and in Arabic numerals, beginning with number 1. Sheet(s) _____

15. NUMBER OF VIEWS. 37 CFR 1.84(u)

- ☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____
☐ View numbers not preceded by the abbreviation Fig.
 Fig(s) _____

16. CORRECTIONS. 37 CFR 1.84(w)

- ☐ Corrections not made from prior PTO-948.
 Fig(s) _____

17. DESIGN DRAWING. 37 CFR 1.152

- ☐ Surface shading shown not appropriate. Fig(s) _____
☐ Solid black shading not used for color contrast.
 Fig(s) _____

COMMENTS:

ATTACHMENT TO PAPER NO. 4REVIEWER TankDATE 4/12/97

PTO Form

Notice of References Cited				Application No. 08/794,141		Applicant(s) Richard D. Bednar	
				Examiner Terry Lee Melius		Group Art Unit 3616	
Page 1 of 1							
U.S. PATENT DOCUMENTS							
*		DOCUMENT NO.	DATE	NAME		CLASS	SUBCLASS
	A	5,280,695	1-1994	Nunes, Jr. et al.		56	216-14 X
	B						
	C						
	D						
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* A copy of this reference is not being furnished with this Office action.
(See Manual of Patent Examining Procedure, Section 707.05(a).)